

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the  
Substantively Consolidated SIPA Liquidation  
of Bernard L. Madoff Investment Securities  
LLC and the Chapter 7 Estate of Bernard L.  
Madoff,

Plaintiff,

v.

KOCH INDUSTRIES, INC., as successor in  
interest to Koch Investment (UK) Company,

Defendant.

Adv. Pro. No. 12-01047 (CGM)

**STIPULATION AND ORDER  
EXTENDING DEFENDANT'S TIME TO APPEAL**

Irving H. Picard (the "Trustee"), as trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC, under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa-III, and the estate of Bernard L. Madoff, under Chapter 7 of the United States Bankruptcy Code, 11 U.S.C. §§ 701-784, and Defendant Koch Industries, Inc.

(“Defendant,” and with the Trustee, the “Parties”), by and through their respective and undersigned counsel, stipulate and agree as follows:

**WHEREAS**, on July 22, 2022, Defendant filed a motion to dismiss the Trustee’s complaint (the “Motion”) [ECF No. 105], including a supporting memorandum of law [ECF No. 106] and the Declaration of Jonathan P. Guy [ECF No. 107];

**WHEREAS**, on November 21, 2022, following briefing by the parties, this Court issued its *Memorandum Decision Denying Defendant’s Motion to Dismiss* [ECF No. 118];

**WHEREAS**, on November 30, 2022, this Court entered its *Order Denying Koch Industries, Inc.’s Motion to Dismiss the Complaint* [ECF No. 123] (the “**November 30, 2022 Order**”);

**WHEREAS**, under Bankruptcy Rule 8002(a)(1), the last day on which to file a notice of appeal from the November 30, 2022 Order is fourteen (14) days after entry of the order, *i.e.*, on December 14, 2022;

**WHEREAS**, Defendant seeks an extension of time to file such notice of appeal in order to consider whether to appeal and on what grounds, and if so, to prepare the required papers for a motion for leave to appeal;

**WHEREAS**, under Bankruptcy Rule 8002(d)(1), the Court may extend the time to file a notice of appeal upon a party’s motion that is filed within the time prescribed by Rule 8002, *i.e.*, by December 14, 2022. Bankruptcy Rule 8002(d)(3) permits such an extension to 21 days after the time prescribed by Bankruptcy Rule 8002(a)(1), *i.e.*, to January 4, 2023; and

**WHEREAS**, the Trustee consents to Defendant’s request to extend its time to appeal from the November 30, 2022 Order to January 4, 2023.

**IT IS HEREBY STIPULATED AND AGREED**, by the Parties, and **SO ORDERED**,  
by the Court:

1. For purposes of Bankruptcy Rule 8002(d), this Stipulation and Order shall be deemed a motion by Defendant for extension of time for filing (a) a notice of appeal from the November 30, 2022 Order and (b) a motion for leave to appeal in accordance with Bankruptcy Rules 8002(a)(1) and 8004(a) (collectively, the “**Required Filings**”), through and including January 4, 2023 (the “**Extended Filing Deadline**”).

2. The Trustee consents to Defendant’s motion for an extension of time, and this Court hereby grants it pursuant to Bankruptcy Rule 8004(d).

3. Accordingly, if Defendant wishes to appeal from the November 30, 2022 Order, Defendant shall make the Required Filings by the Extended Filing Deadline.

*[Signatures on following page]*

Dated: December 5, 2022  
New York, New York

By: /s/ Eric R. Fish

**BAKER & HOSTETLER LLP**

45 Rockefeller Plaza

New York, New York 10111

Telephone: (212) 589-4200

Facsimile: (212) 589-4201

David J. Sheehan

Email: dsheehan@bakerlaw.com

Eric R. Fish

Email: efish@bakerlaw.com

Michelle N. Tanney

Email: mtanney@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee  
for the Substantively Consolidated  
SIPA Liquidation of Bernard L. Madoff  
Investment Securities LLC, and the  
Chapter 7 Estate of Bernard L. Madoff*

By: /s/ Jonathan Guy

**ORRICK, HERRINGTON &**

**SUTCLIFFE LLP**

Columbia Center

1152 15th Street, N.W.

Washington, D.C. 20005

Telephone: (202) 339-8400

Facsimile: (202) 339-8500

Jonathan Guy

Email: jguy@orrick.com

James W. Burke (pro hac vice)

Email: jburke@orrick.com

*Attorneys for Defendant  
Koch Industries, Inc.*

**Dated: December 6, 2022**  
**Poughkeepsie, New York**



/s/ Cecelia G. Morris

**Hon. Cecelia G. Morris**  
**U.S. Bankruptcy Judge**